

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. CR00-1015

ROBERT FRANK

DEFENDANT

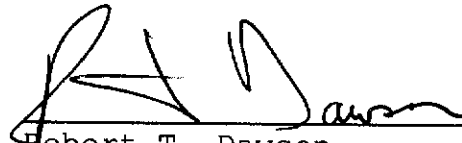
ORDER

Currently before the Court is Defendant's Pro Se Motion for Return of Property and Objection to the Government's Application to Dispose of Seized Firearms (Doc. 349) and Defendant's Pro Se Motion for Re-hearing and return of Property and Objection to the Court's Order of June 7, 2005 (Doc. 352). The Court has reviewed Defendant's Motions and Objections and finds that they are without merit and should be and hereby are DENIED.

Defendant objects to the Court's Order of June 7, 2005 granting the Government's Motion for Return/Destruction of Property/Post-trial Application to Dispose of Seized Firearms. (Docs. 343 & 348). Defendant contends the seized firearms should be returned to his mother or, alternatively, that he should be compensated for the value of the firearms. However, federal law prohibits convicted felons from the possession of firearms, whether it is actual or constructive possession. See *U.S. v. Felici*, 208 F.3d 667 (8th Cir. 2000). Defendant contends that he is not prohibited from possessing two black powder guns. However, the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a

projectile by the action of an explosive... See 18 U.S.C. 921(a)(3)(A). The Court finds that this definition encompasses the two black powder guns. Accordingly, Defendant's Motions (Docs. 349 & 352) should be and hereby are DENIED.

IT IS SO ORDERED this 19th day of July 2005.


Robert T. Dawson
United States District Judge